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House of Commons Debates

FOURTH SESSION—SIXTH PARLIAMENT.

SPEECH OF HON. EDWARD BLAKE, M.P.,

ON

THE MEMBER FOR LINCOLN.

MONDAY, 17TH MARCH, 1890.

Mr. BLAKE. With much that the hon. President of the Council has said, I quite agree. I agree with him as to the spirit in which this House should approach the consideration of this question. I agree with him that least of all questions which can be brought before this House, ought this one to assume in any sense a party complexion. I suppose all must have been struck by the observation made by the hon. member for Lincoln, when he gave his explanation at the opening of this debate, that expression of regret which, he said, he entertained at his unfortunate position, in that after having made his speech he was to leave the House and was disabled from participating in the debate which would follow. If that debate were to take the tone which the hon. member for Lincoln obviously conceived, if it were to proceed on the lines he obviously indicated, the regret of the hon. gentleman would have been justified, and the rule to which he gave deference by his retirement would have been proved to be an unreasonable rule. But, Sir, the regret was unfounded and the rule is an entirely reasonable rule; because that vacant chair speaks more strongly than the most eloquent language we could hear in favor of the member who is absent from it. It speaks in solemn tones, and appeals to us in terms more forcible than any tongue could use as to the line which we should take, the tone we should adopt, the spirit which should animate us in disposing of this case. Why is that chair vacant? It is vacant because our colleague is, according to the principles of reason, disabled and disqualified from being the judge in his own cause. But, then, it is a cause in which we are his judges; and it is, therefore, in a judicial capacity, strictly in a judicial capacity, that we have to deal with the matter, thus I agree wholly with the observations of the hon. the President of the Council, and also in the phrase dropped by the Minister of Justice at an earlier stage of the debate, that we are acting here as judges of the cause. Sir, under these circumstances we have no warrant, whatever may be the latitude, the regrettable latitude, which we permit to ourselves under other circumstances,

when we are present face to face and are able, if attacked, to reply to the attack—we have no warrant here and now, to mingle invective with reason, to heighten the complexion of the transaction by any rhetorical devices, to blink the facts, to take any other course than, in a spirit of candor, fair play and impartiality, to endeavor to ascertain the right and the truth. I agree with the observation of the hon. the President of the Council that the honor of the whole House is concerned in the matter. It is concerned in all such matters. The honor of the House is in a sense in the hands of every member of the House. No course of conduct discreditable in the general sense of the community can be pursued by any single member without, to some extent, at all events, lowering the character of the assembly of which he forms a part, and in this view it is our common interest, as members of Parliament, that the transaction, whatever it may be, should not be depicted darker than its true color, and that every reasonable protection should be accorded to the man who is accused. On the other hand, Sir, it is even more clearly the duty of the House to watch jealously that honor of which it is the guardian, and to take care that it does not become, by any unworthy connivance in a discreditable transaction, an accomplice after the fact, and so degrade itself to some extent to the level of those who may be concerned in such transactions. The situation is, under these circumstances, painful. I agree with the hon. gentleman in the view that it ought not to be made in any sense a party question for those reasons which I have given, and for other reasons too; for reasons which, taking a somewhat lower ground, are particularly applicable to those who may happen for the time to be on the side of the minority, because if there be any section of the House that has a deeper interest than another in the observance of these principles, it is those who happen to be in the minority. Their only chance for the affirmation of charges justly made against a member of the majority, consists in the observance of the principle of justice. Their only chance for the avoidance of a condemnation of a charge unjustly made against

a member of the minority, consists in the adherence to this principle of justice; and to introduce a political complexion into matters of this kind, would at one blow render it impossible for a minority to obtain justice against an adversary, and render it impossible for a minority to obtain justice for themselves. Therefore, those who happen to sit on the side of the House on which I sit are especially charged with the duty of holding up that standard of justice to which the hon. gentleman has appealed. Then, Sir, it is on those principles of justice that we ought to act, and I ask myself, applying myself to this case as it is now presented, whether the application of the principle of justice renders premature, at this moment, a final judgment on the main motion. The member for Lincoln, as the hon. President of the Council has said, has asked for a committee. I cannot say that in my judgment the best, the convenient, the fittest course to deal with this case, is to refer it to a committee. My own opinion is that the best, the proper and the convenient course is that it should be disposed of here, for reasons that I will state to you in a moment. When we shall come to dispose of it, either here or elsewhere, I hold myself free, nay, I hold myself bound—as I suppose every hon. member will—upon such evidence and arguments as shall at that time be before us to examine carefully into every recital of the motion that is presented to us, and to ascertain whether those recitals are fair and full; to examine whether the *résumé* is accurate and true; and to examine whether the conclusion which is drawn from those recitals and from that *résumé* is just and fitting; and either to negative, or to amend, or to affirm, as the result of that examination indicates is right. But that, Sir, is not the immediate question. The immediate question is, not what judgment should be pronounced upon the main motion, but whether we should refer the case to a committee, and I ask myself: why we should refer, and what we should refer? I believe that each case of this description should be dealt with according to its circumstances, and that if there be a question complicated and difficult, involving the examination of witnesses, or a subject complicated and difficult, involving a long search into precedents, it is fitting and convenient that the sifting of evidence by the examination of witnesses, or the long search into a series of precedents, not heretofore collected, should be accomplished by the Select Standing Committee that we erect for such purposes. But, I believe that in every case we are called on to consider, whether the case in hand is one that calls for the interposition of that machinery, and the intervention of that committee. Cases have been referred to in the past. It has been said by the hon. member for Jacques Cartier (Mr. Girouard) that there was a rule for and a right to a reference to a committee. I do not know where the hon. gentleman found the statement that there is such a rule, or that there is such a right. I dispute the existence of the rule and of the right. I know the leading gentlemen on his side of the House, have from time to time, in days that are past, proposed a much more summary disposition—the most summary disposition possible—of matters brought before the House, and, according to my recollection of the objections taken to that summary disposition when proposed, they were based upon the special considerations to which I have referred. Particular reference has

been made to the motion with regard to one of your predecessors, Mr. Speaker, in the chair. In what form was that motion made, and supported by the whole body of the Conservative party in Parliament? It was made, Sir, directly against the Speaker of this House, with that Speaker in the chair upon a motion to go into Committee of Supply, as an amendment, in which form it was not amendable, in which an instant decision was instantly sought, and when the party whose conduct was impugned, and whose seat—if not in absolute terms, yet by a necessary implication was fatally assailed—was prevented from saying one word in his own defence. The hon. member for Jacques Cartier (Mr. Girouard) indicated that there was some right on the part of the Speaker of the House to ask the indulgence of the House to leave the chair, in order that he might make a statement on the floor. I am not familiar with the precedents upon which the hon. gentleman justified that statement, but I say that if there be such, and I am quite ignorant of them, they are precedents which ought not to have been invoked. My own opinion of the conduct of those members of the House who in that case made that proposal was that, altogether regardless of another consideration to which I shall briefly refer, they took, not merely an unreasonable, but I will say a hard, a rigorous, and an offensive course, in making the motion in the form in which it was made. My opinion was, that a due regard for the principle of justice would have caused the motion to be made in such a form as that those who moved it would have secured to the man whose character and whose seat was assailed, an opportunity of defending himself. Sitting as he did in the Speaker's chair, they ought to have known that the only mode by which that result could be obtained, would be by a motion to refer the matter to a committee, before which he could appear. Beyond all that, there were important questions to be disposed of. There were questions to be disposed of, questions of fact, and also questions of law, based on former precedents, which appeared to justify the view that the seat was not vacated, and, therefore, there was a reason in the search for precedents and in the taking of evidence for a reference of that case. There were many meetings of the Committee on Privileges and Elections. As happened in other controversies which occurred when the Liberals were in a majority in this House, the effort was to do that justice which the hon. the President of the Council appealed to us to-night to endeavor to attain. The case of the Speaker was a case in which a prominent member of the majority was attacked. There was also a case in which a member of the minority was attacked. And in each of these cases I rejoice to think, that the majority entered into the investigation, sought for the truth, ascertained the truth, and framed a unanimous report, upon which the House afterwards acted. But some hon. gentlemen have said that there was a trick played in connection with the presentation of the report. Sir, no trick was played. The Committee on Privileges and Elections met, they agreed upon the report, and it was unanimously agreed by that committee, in the presence and with the assent of the hon. First Minister, who was a member of the committee and the leader of the Opposition, that the Chairman should be requested to defer the presentation of the report

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to the latest hour compatible with its presentation during the Session. It was thought to be a convenient course, a proper and manly course, not to create the disturbance and difficulty that would result from the vacation of the Speaker's seat a few days before the close of the Session. The suggestion was made on these grounds, I believe by myself, it was unanimously agreed to, and it was so done. The result was that the report was not presented until the last day of the Session, it being understood that it would be, as it was, acted upon immediately after the close of the Session; and I think it was a course worthy of the hon. First Minister in his position, worthy of the members of the Opposition and conformable to the dignity and the amenities of the House; and a course which a faithful though sometimes recalcitrant follower of the hon. First Minister ought not now to condemn him for having assented to. Now, I wish to know what we should refer, and why we should refer, and in order to decide this, we must brush aside some questions which in the course of this debate have been raised as being more or less in issue. I say that no case is made or pretended of breach of the Independence of Parliament Act; and that if there were, the penalties which are provided by that Act have been exhausted and apply no longer. Now, I do not state this because I conceive there is the slightest difference in principle, upon the question of a reference to the committee, whether the point arises upon the statute or whether it arises upon the unwritten law, any more than my hon. friend beside me (Mr. Laurier) did or could have supposed such a possibility. My hon. friend only pointed out that there might be a question as to what the effect of a statute was. The question is whether there is fit matter to be referred to a committee; and, whether that matter arises by virtue of alleged breach of a statute, or by virtue of an alleged breach of a rule, or by virtue of an alleged violation of those obligations, or those unwritten laws which guard the honor of Parliament, the same principle applies to all. But I say there is here no charge that the Independence of Parliament Act has been broken. Again, there is no case here made of a breach of any laws regulating the disposition of timber limits. Again, and this is not an unimportant point, in regard to some of the observations made by the hon. member for Lincoln, there is no case made here, and no charge of any fraud having been committed upon Mr. Sands, the purchaser of these limits, and, therefore, that is not a matter suggested as enquirable into here. Sands may have been defrauded, and he may not; he may have been defrauded by the hon. member for Lincoln, or by Mr. Adams, or by both, or by neither of them; it is a matter with which we have nothing to do on the issues before us. And, lastly, and most important for our consideration, there is no case whatever made of wrong of any kind, save whatever wrong is alleged to be apparent in the hon. member's own letters printed in the Votes, and in his own statements made in this House. Whatever is alleged against him, and whatever proof is suggested as sustaining the allegations, are based upon his own written and oral statements both before us. There is the whole of it. Now, to the benefit of these limitations the hon. member for Lincoln is fully entitled; but by these limitations and their consequences the hon. member is also bound. Now, as well as I can gather, the hon. member in his expla-

nation has alleged that the recitals of the extracts from these letters in the motion of the hon. member for South Oxford are unfair and misleading. Though he did not point out the details in respect of which he made that allegation, still he made it in the general. He has also alleged that there are other papers which he can produce; though so far as I am able to judge, these relate wholly or mostly to the irrelevant question of Sands. But these other papers, whatever their nature or effect, he has not further particularised, nor has he produced them. Now, no man can deny that the hon. member for Lincoln has had the amplest opportunity of presenting his defence, both in proof and in argument. He has on two occasions at least produced such materials as he thought proper; he has on two or three occasions made statements here; and I am not saying that it might be held to be unjust to assume that no further valid evidence or defence was available, or even to decide that no further opportunity should be given. But though I contest the strict justice of that view, for my own part I do not choose to act on it. I agree, once again, in much that the hon. President of the Council has said in that regard. I think it extremely important, in the interest of justice and fair play, in the interest of this House at large, that the judgment which is finally to be awarded in this matter, whatever it may be, should be a judgment which cannot be impugned upon any pretence or suggestion that there was any fair opportunity refused to the hon. member to make a complete defence, or even to offer such mitigating and exculpatory evidence as the hon. President of the Council referred to. The ground which I take is this: I think that the hon. member having, though quite mistakenly in my view, regretfully in my view, when he made his statement in this House, reserved in part his defence, ought to have even now the opportunity of completing that statement and defence. I think the House is entitled and ought to say to him this: "While we do not see, upon the material now before us, including your own statements, any ground for referring the case to a committee, we are prepared to receive your further statement, your further argument, your further papers, if any you have, and to deal with this case as may then seem just." I think, then, that the hon. member ought to have the opportunity of saying, in his place here, what more he chooses, and of laying on the Table here what further papers he deems proper. And, I think that the adoption of this course would enable us to dispose in a proper way of the amendment now in your hands, and at the same time to do the fullest justice to the hon. member for Lincoln. It is the course which I venture to submit for the consideration of the House. The hon. the President of the Council has not himself been able to point out what there can be to refer to the committee. He was not called upon to do so. He is no doubt not possessed of such information as the hon. member for Lincoln may be able to submit for our judgment.

Mr. COLBY. I stated that I really did not know.

Mr. BLAKE. I say so. I have not the least doubt of that. None of us are aware of it. We gather its character from the statement of the hon. member himself, and his statement was that there were other papers which he could produce which

would give, as he said, a different complexion to those published. I am not going to weigh or analyse the papers published, with the view of saying whether that allegation is impossible or not of execution. I desire that the hon. member for Lincoln should have the opportunity of laying these papers on the Table, with all the comments and explanations he can give upon them. I desire, under the circumstances, that as he chose in part to reserve his defence—to give us some, but not as he says, all—he should not be placed in a worse position now than that if he had on that occasion given us all; but I do not perceive in that condition of affairs a cause for a reference to a committee. I perceive rather a reason for taking such a course as shall give the hon. gentleman the opportunity of presenting the remainder of his case on the floor of Parliament, and as shall thus leave us to dispose of this matter, with his case complete, according as the dignity and honor of this House and liberal justice to the hon. member for Lincoln require. The House will

observe that I have studiously avoided expressing or implying one single opinion with reference to the merits of the transaction. It is impossible, of course, to avoid forming in one's own mind impressions upon papers such as we have before us, but I believe it to be our duty to hold our minds open up to the latest possible moment. I believe it to be our duty to enquire whether there be, as the hon. the President of the Council suggested, any explanation, any door of escape, anything which may alter the complexion which, to some minds, these letters and papers bear, and in that view, keeping, as well as I might, an open mind, I have scrupulously abstained from making any argument or expressing any opinion here as to the conclusions which are to be drawn from the papers in our hands. I repeat, and I close by the suggestion, that we ought to make arrangements for this case being completed in the manner in which it was begun, by the hon. member on the floor, and that we should then proceed to give our judgment in the matter.

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